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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,704	03/30/2004	Sergio Bortoloni	03AB205	4083

7590 05/02/2005
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EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,704

Applicant(s)

BORTOLLONI ET AL.

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

General status

1. This is a Final Action on the Merits. Claims 1 - 13 are pending in the case and are being examined.

Claim Objections

2. Claims 1 and 5 are objected to because of the following informalities: Claim 1, line 9 and Claim 5 line 9 at the end of the respective lines "and" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear where support for recitation of "switch module having the same form factor as any of the three switch modules" in Claim 9, lines 15-16, is found in the specification. The instant specification [page 10, lines 22-23] in part states "the ability to add this module to the switch 10, with a **form factor similar to** the fuse modules 12a, 12b, 12c" only suggests that the connectivity module 70 has form factor that is similar to the form factor of the fuse modules 12a-12c, thus the recitation of Claim 9, lines 15-16 "switch module having **the same form factor** as any of the three switch modules" is not supported by the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grunert et al. [US 5,288,958].

Grunert et al. disclose a disconnect switch for installation in an electrical enclosure having a door [Column 3, lines 2 – 6] the switch comprising:

- at least three switch poles [column 3, lines 53,54], each switch pole having at least one pair of switch contacts [contacts in assembly 20, not shown];
- a switch actuating mechanism [26, 82];
- a switching interface [100] coupled to the switch actuating mechanism; a switching assembly [104, 136, 146] that is installable on the switching interface, the switching assembly having a handle [220] with a pivot [axis of shaft 122] for rotation in opposite directions from the pivot, for actuating and de-actuating the disconnect switch contacts. The handle being axially pressed [Figure 7] inward, prior to rotation to effect actuation of the switch contacts;
- assembly [100] acts as a motion translator, and translates the motion of shaft [70] associated with assembly [26, 82] to a shaft [122] to the

front of the cabinet [132, only part is shown]. Also for claim 5, the disclosed rotary switch is positioned on a side of the enclosure (the rotary switch does not have to be operable from the side) and the handle is positioned on the front of the enclosure or cabinet.

Grunert et al. disclose all the elements of claimed invention, however disclosed handle [220] being extending only in one direction from the pivot. It would have been obvious matter of design choice to provide handle extending in both directions from the pivot, in order to achieve better mechanical leverage during rotation of the handle.

6. Claims 9 -13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Grunert et al. [US 5,288,958] in view of Pieroneck et al. [US 5,452,201].

Regarding Claim 9, Grunert et al. disclose the instant claimed invention except for a fourth switch module. Pieroneck et al disclose a disconnect module having form factor similar to switch modules of Grunert et al., with a control module [12], the control module being connected to the network. Therefore, it would have been obvious to provide a fourth module connected to the disconnect module in Grunert et al., as suggested by Pieroneck et al., so that the connected system (such as conveyor) can be controlled.

Response to Arguments

7. Applicant's arguments filed 03/21/2005 have been fully considered but they are not persuasive.

The Applicant has argued that 'by the amendment, the "a selected from" language has been deleted from the claims ... a switching interface and two switching assemblies ...' (Remarks, page 11, third full paragraph). The amended claim 1, line 9 and Claim 5, line 9, both, recite "for receiving a selected switching assembly", which according to the invention, can be interpreted to mean "for receiving **a switching assembly** selected from a plurality of switching assemblies, the plurality of switching assemblies comprising..." and therefore, the Examiner has maintained the rejection.

As to Claim 9, the Examiner has objected to recitation of "the same form factor," since this limitation is not supported by the specification. The reference of Pieroneck et al. does disclose a cuboid-shaped control module, which is similar to the fuse modules disclosed by the primary reference of Grunert et al. and therefore, the limitation of Claim 9 are also satisfied.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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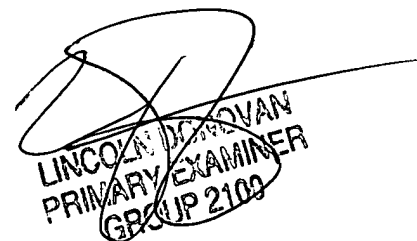
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
April 18, 2005


LINCOLN DONOVAN
PRIMARY EXAMINER
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